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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,058	05/02/2006	Andres Monzon Simon	60469-103 PUS1; OT-5264	4700
64779 7590 03/05/2009 CARLSON GASKEY & OLDS 400 W MAPLE STE 350 BIRMINGHAM, MI 48009				
EXAMINER				
CHAN, KAWING				
ART UNIT		PAPER NUMBER		
2837				
MAIL DATE		DELIVERY MODE		
03/05/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,058

Applicant(s)

SIMON ET AL.

Examiner

Kawing Chan

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21 and 24-37 is/are rejected.
- 7) ☒ Claim(s) 22 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 05/02/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 05/02/06 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21 and 24-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 6,360,847 B1) in view of Angst (WO 03/004397 A1) (hereinafter rejections will be based on Angst US 2004/0173413 A1, the equivalent English translation of Angst WO 03/004397 A1) and Fried et al. (US 5,817,994).

4. In Re claims 21, 29-34 and 36-37, Okada discloses a governor device (Figures 4-6) for use in an elevator system, comprising:

- A rotating member (Fly weight: 6 & Fly ball: 52) that rotates responsive to movement of an elevator car (Col 1 line 22 to Col 3 line 10);
- A switch (17 & 211) near the rotating member; and

- A moving member (Fly weight: 26 & Fly ball: 18) that is biased into a position to not activate the switch, the moving member moving into a position to activate the switch responsive to the rotating member rotating at a speed beyond a selected limit (Col 6 line 27 to Col 8 line 9).
5. Since the fly ball speed governor (10) can be enabled or disabled at different modes (when the car moves down or up with different selected speed limits) by using clutch mechanism (54) which selectively engage or disengage the shafts (52 & 53) (Col 6 lines 59-67), it teaches the feature of selectively powered (enabled or disabled) the switch (17) (Col 8 lines 40-63).
 6. Okada fails to disclose the selected limit is set at a speed below a desired speed limit during normal operation, and the switch not being powered to operate under selected conditions other than normal operation.
 7. However, Angst discloses a method of selectively activating different operating modes, such as inspection, for an elevator and providing different speed limit values for different selected modes (Paragraph [0033]).
 8. Nevertheless, with reference to Figure 6, Fried discloses a handheld remote control arrangement for selectively initiating an inspection mode of an elevator and permitting slow speed operation of the elevator in inspection mode (Col 1 line 54 to Col 2 line 5).
 9. Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Okada with the teachings of Angst and Fried, since it is known in the art to utilize different speed limit

values for different operating modes (such as inspection or maintenance) so that the speed of an elevator can be monitored in a suitable speed range as needed, and it is also known in the art to utilize a remote control to initiate an inspection operation of an elevator so that the operation of the elevator can be controlled wirelessly.

10. In Re claim 24, with reference to Figure 11, Okada discloses a brake (215) that acts upon a component associated with the elevator to limit movement of the car responsive to the switch (211) being activated by the moving member (26) (Col 3 lines 10-35).

11. In Re claims 25 and 26, with reference to Figure 6, Okada discloses a spring (27) urges the moving member (26) radically inward relative to the rotating member (6).

12. In Re claim 27, with reference to Figure 6, Okada discloses a lever (26) having one end pivotally supported on the rotating member (6) and a second end associated with the moving member (26, 29) and wherein the biasing member (27) urges the lever (26) away from an outer edge of the rotating member (6) (Col 7 lines 34-44).

13. In Re claim 28, with reference to Figure 6, Okada discloses the moving member (26) comprises a plurality of arms (26, 210) linked together to move outward simultaneously.

14. In Re claim 35, Applicant admitted the primary governor is well known (as indicated in page 3 and page 4 of the specification). In addition, Okada teaches a moving member moves into a position to activate the switch when the car speed exceeds a limit (Col 6 line 27 to Col 8 line 9) and Fried teaches elevator car is moving in a slower speed in an inspection mode (Col 1 line 54 to Col 2 line 5).

Allowable Subject Matter

15. Claims 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter:

The limitation of "a power module that is selectively powered to allow the switch..." claim 22 is not anticipated or made obvious by the prior art of record in the examiner's opinion. For example, Okada (US 6,360,847 B1) teaches a fly ball mechanism (10) in combination with a stop switch (17) can be enabled or disenabled by clutch mechanism (54). However, the prior of record fails to teach or suggest a power module to power on the switch so as to be able to activate in response to the contact of the moving member.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Draper, Ericson, Chida, Pietrzykowski, Sanchez and Mueller are further cited to show related teachings in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kawing Chan
Examiner
Art Unit 2837

/Lincoln Donovan/
Supervisory Patent Examiner, Art Unit 2816